



February 19, 1999

## HOUSE BILL No. 1266

DIGEST OF HB1266 (Updated February 17, 1999 8:22 pm - DI 2)

**Citations Affected:** IC 36-10.

**Synopsis:** Designated park fees. Requires a county or municipal park that charges a fee designated for a specific purpose to deposit the designated fees into a nonreverting fund established for the specific purpose designated by the park board. Provides that money in the fund may only be used at the park that collected the fee and only for the specific purpose designated by the park board.

**Effective:** July 1, 1999.

**Bodiker**

January 11, 1999, read first time and referred to Committee on Agriculture, Natural Resources and Rural Development.  
February 18, 1999, reported — Do Pass.

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February 19, 1999

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

## HOUSE BILL No. 1266

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 36-10-3-22 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 22. (a) Park and  
3 recreation facilities and programs shall be made available to the public  
4 free of charge as far as possible. However, if it is necessary in order to  
5 provide a particular activity, the board may charge a reasonable fee.

6 (b) **For all fees, except fees designated by the board for a specific**  
7 **purpose**, the unit's fiscal body may establish by ordinance upon request  
8 of the board **the following**:

9 (1) A special nonreverting operating fund for park purposes from  
10 which expenditures may be made as provided by ordinance, either  
11 by appropriation by the board or by the unit's fiscal body. ~~or~~

12 (2) A special nonreverting capital fund for the purpose of  
13 acquiring land or making specific capital improvements from  
14 which expenditures may be made by appropriation by the unit's  
15 fiscal body.

16 The unit's fiscal body shall designate the fund or funds into which the  
17 unit's fiscal officer (or county treasurer) shall deposit fees from golf

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courses, swimming pools, skating rinks, or other major facilities requiring major expenditures for management and maintenance. Money received from fees, other than **fees** from major facilities **or fees designated by the board for a specific purpose**, or **money** received from the sale of surplus property, shall be deposited by the unit's fiscal officer (or county treasurer) either in the special nonreverting operating fund or in the nonreverting capital fund, as directed by the board. However, if neither fund has been established, money received from fees or from the sale of surplus property shall be deposited in the unit's general fund. Money from either special fund may be disbursed only on approved claims allowed and signed by the president and secretary of the board.

(c) Money placed in the special nonreverting capital fund may not be withdrawn except for the purposes for which the fund was created, unless the fiscal body repeals the ordinance establishing the fund. The fiscal body may not repeal the ordinance under suspension of the rules.

**(d) Money received from fees designated for a specific purpose by the board must be deposited into a special nonreverting fund established by the board for the specific purpose designated by the board. Money in the fund may be used only at the park where the fee was collected and only for the specific purpose designated by the board.**

~~(d)~~ (e) Money procured from fees or received from the sale of surplus property under section 12 of this chapter shall be deposited at least once each month with the fiscal officer of the unit.

SECTION 2. IC 36-10-4-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 16. (a) A tax on the taxable property in the district, as it appears on the tax duplicate, shall be levied annually by the city legislative body for park purposes.

(b) The tax shall be collected the same as other city taxes are collected, and the city fiscal officer (or county treasurer acting under IC 36-4-10-6) shall, between the first and fifth days of each month, notify the board of the amount of taxes collected for park purposes during the preceding month. At the date of notification, the city fiscal officer (or county treasurer) shall credit the park fund with the amount.

(c) The board may expend on behalf of the city all sums of money collected from:

- (1) taxes;
- (2) the sale of privileges in the parks of the city;
- (3) the sale of bonds of the city for park purposes; and
- (4) any other source.

All gifts, donations, or payments that are given or paid to the city for



1 park purposes belong to the general park fund, the special nonreverting  
 2 operating fund, or the special nonreverting capital fund to be used by  
 3 the board as provided by this chapter. Warrants for expenditures shall  
 4 be drawn by the city fiscal officer upon a voucher of the board signed  
 5 by the president or vice president and secretary.

6 (d) The city legislative body may borrow money for the use of the  
 7 department and may issue the bonds of the city to pay back the  
 8 borrowed money in the manner provided by statute for the issue of  
 9 bonds for the general purposes of the city. However, the board may not  
 10 contract debts beyond the amount of its annual income and the amount  
 11 available from the sale of bonds or other sources.

12 (e) All money remaining in the treasury to the credit of the board at  
 13 the end of the calendar year belongs to the general park fund, the  
 14 special nonreverting operating fund, or the special nonreverting capital  
 15 fund for use by the board for park purposes.

16 (f) Park and recreation facilities and programs shall be made  
 17 available to the public free of charge as far as possible. However, if it  
 18 is necessary in order to provide a particular activity, the board may  
 19 charge a reasonable fee.

20 (g) **For all fees, except fees designated by the board for a specific**  
 21 **purpose**, the city legislative body may establish by ordinance upon  
 22 request of the board **the following**:

23 (1) A special nonreverting operating fund for park purposes from  
 24 which expenditures may be made as provided by ordinance, either  
 25 by appropriation by the board or by the city legislative body. **or**

26 (2) A special nonreverting capital fund for the purpose of  
 27 acquiring land or making specific capital improvements from  
 28 which expenditures may be made by appropriation by the city  
 29 legislative body.

30 The city legislative body shall designate the fund or funds into which  
 31 the city fiscal officer (or county treasurer) shall deposit fees from golf  
 32 courses, swimming pools, skating rinks, or other major facilities  
 33 requiring major expenditures for management and maintenance. Money  
 34 received from fees, other than **fees** from major facilities **or fees**  
 35 **designated by the board for a specific purpose**, or **money** received  
 36 from the sale of surplus property, shall be deposited by the city fiscal  
 37 officer (or county treasurer) either in the special nonreverting operating  
 38 fund or in the nonreverting capital fund, as directed by the board.  
 39 However, if neither fund has been established, money received from  
 40 fees or from the sale of surplus property shall be deposited in the  
 41 general park fund. Money from either special fund may be disbursed  
 42 only on approved claims allowed and signed by the president and



1 secretary of the board.

2 (h) Money placed in the special nonreverting capital fund may not  
3 be withdrawn except for the purposes for which the fund was created,  
4 unless the fiscal body repeals the ordinance establishing the fund. The  
5 fiscal body may not repeal the ordinance under suspension of the rules.

6 (i) Money procured from fees or received from the sale of surplus  
7 property shall be deposited at least once each month with the city fiscal  
8 officer.

9 **(j) Money received from fees designated for a specific purpose**  
10 **by the board must be deposited into a special nonreverting fund**  
11 **established by the board for the specific purpose designated by the**  
12 **board. Money in the fund may be used only at the park where the**  
13 **fee was collected and only for the specific purpose designated by**  
14 **the board.**

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture, Natural Resources and Rural Development, to which was referred House Bill 1266, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

LYTLE, Chair

Committee Vote: yeas 12, nays 1.

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